

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MERIT YOUSSEF

V.

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY**

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C.A. NO. 4:24-cv-01344
(JURY)

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant **STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY** (incorrectly named in state court as “**STATE FARM FIRE AND CASUALTY COMPANY**”) (“State Farm”) files this Notice of Removal of the present action from the 434th Judicial District of Fort Bend County, Texas, to the United States District Court for the Southern District of Texas, Houston Division. In connection with this Notice of Removal, State Farm would respectfully show unto the Court as follows:

I. Introduction

1. This lawsuit arises from an automobile accident that occurred between Plaintiff and Naweta Guillory (i.e., the alleged “Underinsured Motorist”), on December 6, 2022, in Fort Bend County, Texas. Plaintiff filed suit against Guillory in the 434th Judicial District Court of Fort Bend County, Texas, in Cause No. 23-DCV-304649, styled *Merit Youssef v. Naweta Guillory*. Plaintiff thereafter settled her claims against Guillory. Plaintiff subsequently filed her First Amended Petition on March 1, 2024, removing Guillory and adding State Farm, wherein Plaintiff now seeks Underinsured Motorist (“UIM”) benefits from her automobile carrier State Farm.

2. State Farm was served with Plaintiff’s Amended Petition on March 13, 2024.

This Removal is being filed on April 12, 2024, which is within 30 days of State Farm’s “receipt ...of a copy of an amended pleading, motion, order or other paper from which it may be ascertained that the case is one which is or has become removable,” per 28 U.S.C. § 1446(b)(3).

II. Grounds for Removal

A. Complete Diversity of Citizenship Exists Between the Parties and the Amount in Controversy Exceeds \$75,000

3. Removal is proper because there is complete diversity of citizenship between the Parties, and the alleged amount in controversy exceeds \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a)(1).

COMPLETE DIVERSITY OF CITIZENSHIP EXISTS

4. Plaintiff is a resident and citizen of Texas. (PL’s Pet., ¶ 2).

5. State Farm is incorporated in, and a resident of, the State of Illinois. State Farm is the only Defendant. Accordingly, the case against State Farm is removable.

AMOUNT IN CONTROVERSY EXCEEDS \$75,000

6. In Plaintiff’s First Amended Petition, Plaintiff seeks monetary relief of “less than \$250,000.00, excluding interest, statutory or punitive damages and penalties, and attorney’s fees and costs, and non-monetary relief.” (PL’s Amend Pet., ¶ 4). As part of her efforts to obtain benefits from State Farm, Plaintiff asserts claims wherein Plaintiff seeks, among other damages, recovery of attorney’s fees, actual damages, pre and post-judgment interest, and declaratory relief. (PL’s Amend Pet., ¶¶ 9-14, 17). The plain reading of Plaintiff’s First Amended Petition establishes that she seeks damages in excess of the jurisdictional limits of this Court.

7. As shown, the amount in controversy therefore exceeds \$75,000. *See* 28 U.S.C. § 1332(a)(1).

B. Venue is Proper in This Division and in This District.

8. Plaintiff filed this action in Fort Bend County, Texas. The Houston Division of the Southern District of Texas encompasses Fort Bend County, Texas. *See* 28 U.S.C. § 124(b)(2). Thus, this district and division embrace the place where the state court action is pending. *Id.* at § 1441(a).

III. Procedural Requirements for Removal

9. Plaintiff served her First Amended Petition on State Farm on March 13, 2024. State Farm is filing this Removal on April 12, 2024, which is within 30 days of State Farm's receipt of the First Amended Petition. *See* 28 U.S.C. § 1446(b)(3); § 1446(c)(1).

10. A copy of this Notice of Removal is being filed with the Fort Bend County District Clerk's office and served on Plaintiff promptly. *Id.* at § 1446(d); *see also Nixon v. Wheatley*, 368 F. Supp. 2d 635, 640 (E.D. Tex. 2005).

11. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81 of the Southern District of Texas, this Notice of Removal is accompanied by the following documents:

Exhibit A: A list of all counsel of record, including addresses, telephone numbers, and parties represented.

Exhibit B: Index of Documents filed with Removal Action;

12. The filing fee has been paid to the Clerk.

13. The filing of this notice, along with the filing of the notice in the state court and service of the notice upon Plaintiff's counsel, serves immediately to confer exclusive jurisdiction of this cause upon this Court, and divests the state court of all jurisdiction over these proceedings and claims.

IV. Prayer

For these reasons, State Farm prays that the above-styled action now pending in the 434th Judicial District Court of Fort Bend County, Texas, be removed to this Honorable Court pursuant to the Court's diversity jurisdiction. State Farm further prays that, upon final trial, judgment be rendered so that Plaintiff takes nothing by his suit against State Farm, and for such other and further relief to which State Farm may be justly entitled. This Notice of Removal is filed subject to and without waiver of any defenses or objections to Plaintiff's Original Petition as allowed by the Federal Rules of Civil Procedure or by any applicable law. State Farm made a demand for trial jury in state court and paid the jury fee. Accordingly, State Farm hereby similarly requests a jury trial in this cause of action.

Respectfully Submitted,

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By: /s/ Gregory M. Howard

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**ATTORNEY IN CHARGE FOR
DEFENDANT**

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to all known counsel pursuant to the Federal Rules of Civil Procedure on April 12, 2024.

/s/ Gregory M. Howard

Gregory M. Howard